

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANNA FRENCH,

Plaintiff,

v.

CAVALRY PORTFOLIO SERVICES,
LLC,

Defendant.

No. 1:09-cv-10107-BSJ-RLE

ANSWER

The defendant by and through the undersigned counsel, for its Answer to the Complaint herein, hereby denies each and every averment, except as expressly stated below, as follows:

1. Defendant admits that plaintiff purports to bring this action under the Fair Debt Collection Practices Act but denies liability thereunder.

2. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 2 and therefore denies the same and puts plaintiff to her strictest burden of proof thereof.

3. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 3 and therefore denies the same and puts plaintiff to her strictest burden of proof thereof.

4. Admits that defendant has a business office in Hawthorne, Westchester County, New York and otherwise has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 4 and therefore denies the same and puts plaintiff to her strictest burden of proof thereof.

5. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 5 and therefore denies the same and puts plaintiff to her strictest burden of proof thereof.

6. Admits that defendant acts through certain agents and/or employees if they act within the proper scope of their agency or employment and otherwise denies the remaining allegations of this Paragraph 6.

7. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 7 and therefore denies the same and puts plaintiff to her strictest burden of proof thereof.

8. Denies.

9. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 9 and therefore denies the same and puts plaintiff to her strictest burden of proof thereof.

10. Denies.

11. Admits that defendant made unsuccessful attempts to reach the plaintiff by telephone and otherwise denies the remaining allegations of this Paragraph 11.

12. Admits that defendant attempted to reach the plaintiff at (704) 500-2047 and otherwise denies knowledge and information sufficient to form a belief as to the truth of the remaining allegations of this Paragraph 12 and therefore denies same and leaves the plaintiff to her proof.

13. Denies.

14. Denies.

15. Denies.

First Affirmative Defense

Plaintiff's Complaint, in whole or in part, fails to state a claim upon which relief may be granted.

Second Affirmative Defense

Any violation of the Fair Debt Collection Practices Act by Defendants, which Defendants deny, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

WHEREFORE, the defendant requests:

- (a) that the Complaint be dismissed with prejudice;
- (b) that defendant be awarded the costs of defending this action, including reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3), 28 U.S.C. § 1927, Federal Rule 11 and/or the inherent authority of the Court; and
- (c) that the Court award defendant such other further and different relief as equity and justice may require.

Date: March 17, 2010

THE DEFENDANT
CAVALRY PORTFOLIO
SERVICES, LLC

By: /s/
Jonathan D. Elliot

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Its Attorneys

CERTIFICATION

I hereby certify that on March 17, 2010, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/
Jonathan D. Elliot